
In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 22.11.2007.

Shri Shiv Dayal son of Shri Mansa Ram,
resident of Village Sukhdarshan,
Tehsil and District Panchkula.

...Petitioner.

vs.

The Financial Commissioner Haryana,
New Civil Secretariat, Sector-17, Chandigarh and others

...Respondents.

Coram: **Hon'ble Mr. Justice K.S.Garewal.**
Hon'ble Mr. Justice R.S.Madan.

Present: Mr.Bhag Singh, Advocate, for the petitioner.

R.S.Madan, J.

The grievance of the petitioner is that after the death of Babu Ram Lambardar of Village Sukhdarshan, no Munadi was effected for inviting applications for the post of Lambardar. However, the orders passed by the various revenue authorities show that the Collector Panchkula, has directed the Tehsildar Panchkula to initiate the proceedings for inviting applications and in this regard the file was sent to the Naib Tehsildar, Barwala, to ask the Patwari Halqa to conduct Munadi in the village. The Munadi was conducted by Chowkidar Inder Singh and the same was recorded in the daily diary report of the Sarpanch. On receipt of the application of respondent no.4, he was appointed as Lambardar of the village. His appointment was challenged before the Collector, Commissioner and later on before the Financial Commissioner, who did not find favour with the contention of the petitioner.

Learned counsel contended that Inder Singh who is stated to have effected Munadi in the village has given an affidavit dated 20.1.2006

to the effect that he did not effect any Munadi. Learned counsel further contended that one Sucha Singh also filed complaint against respondent no.4 on 10.7.2007 before the Illaqa Magistrate under Sections 379, 409, 506 and 120-B IPC in which he along with two other accused has been summoned.

After going through the record, we find that respondent no.4 was appointed Lambardar on 17.5.2005 by the order of the Collector. Aggrieved by the said order, the petitioner filed appeal before the Commissioner which was dismissed on 17.1.2007. The revision filed by him was also dismissed by the Financial Commissioner on 1.8.2007. Mere filing of complaint against respondent no.4 after his appointment to the post of Lambardar is not a disqualification unless the same culminates into conviction. The Munadi was conducted in the village as per the Daily Diary Report No.174 on 12.12.2003. The affidavit filed by Inder Singh appears to be procured one by the petitioner.

The perusal of the file shows that proper procedure was adopted by the revenue authorities before appointing respondent no.4 Gurnam Singh as Lambardar of the village.

In view of the above, no indulgence in writ jurisdiction under Articles 226/227 of the Constitution of India is made out. The petition is dismissed in limine.

(R.S.Madan)
Judge

22.11.2007.
vs.

(K.S.Garewal)
Judge.